

Exhibit A

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
3 SOUTHERN DIVISION

4 WILLIAM DAVID SEAL,
5 Plaintiff,

6 VERSUS CIVIL ACTION NO: 1:08cv175LG-RHW

7 HARRISON COUNTY, MISSISSIPPI,
8 by and through its Board of
Supervisors; HARRISON COUNTY
9 SHERIFF, George Payne, in his
official capacity; CORRECTIONS
10 OFFICER THOMAS PRESTON WILLS,
acting under color of state
11 law; CORRECTIONS OFFICER RYAN
TEEL, acting under color of
12 state law; CORRECTIONS OFFICER
MORGAN THOMPSON, acting under
13 color of state law,
Defendants.

14

15

16 DEPOSITION OF WILLIAM DAVID SEAL

17

18 Taken at the offices of Brown Buchanan,
P.A., 796 Vieux Marche' Mall, Suite 1,
19 Biloxi, Mississippi, on Thursday,
August 20, 2009, beginning at 9:30 p.m.

20

21 APPEARANCES:

22 PATRICK R. BUCHANAN, ESQUIRE
23 Brown Buchanan, P.A.
796 Vieux Marche' Mall, Suite 1
24 Biloxi, Mississippi 39530
ATTORNEY FOR PLAINTIFF

1 A. Yes, ma'am.

2 Q. -- when you entered the Harrison County
3 jail?

4 A. Yes, ma'am.

5 Q. Now, once you entered the jail, isn't it
6 true that you wanted a nurse to dress your wounds
7 and attend to your wounds at that time?

8 A. Yes, ma'am.

9 Q. Okay. And according to your complaint,
10 they didn't, correct?

11 A. True.

12 Q. And what wound is this that you're
13 wanting them to dress?

14 A. I don't know.

15 Q. Okay. So you're just asking them to
16 attend to the wounds that were bleeding, correct?

17 A. Right. Had bled.

18 Q. Had bled, I'm sorry. Now, you were
19 ordered to go and stand and put your hands on the
20 counter, the booking counter at the jail, weren't
21 you?

22 A. Yes, ma'am.

23 Q. But you didn't; you started flailing
24 around?

25 A. No, ma'am.

1 Q. Okay. What did you do when they ordered
2 you to put your hands on the counter?

3 A. Put my hands on the counter.

4 Q. And then what happened next?

5 A. They did the -- stretched me just as far
6 as possible. They had released the cuffs. They
7 told me to stand back against the wall. I was
8 standing there. That's when I demanded medical
9 treatment again. They didn't want to do it. I
10 demanded medical treatment again. They didn't
11 want to do it.

12 Q. If I can stop you there if you don't
13 mind.

14 A. Yes, ma'am.

15 Q. Why were you demanding medical treatment
16 at that time? Were you in pain?

17 A. No. I saw that I had bled.

18 Q. Okay. So you saw blood on your shirt,
19 so you were demanding --

20 A. On my body.

21 Q. -- medical treatment?

22 A. I didn't have a shirt on.

23 Q. Okay. Did you have any other scuffs or
24 anything on your body?

25 A. Not that I recall.

1 Q. But you saw blood on your body, so you
2 knew -- or you wanted medical treatment?

3 A. Yes, ma'am.

4 Q. Okay. And then what happened next?

5 A. They refused. They told me to stand
6 back against the wall. I stood back against the
7 wall. Wills, Officer Wills, Correction Officer
8 Wills said, well, we'll just get some peroxide or
9 some alcohol and pour it on your little wound. I
10 said, no, you will not do such a thing because
11 you're not going to pour a caustic substance in a
12 fresh wound and make the wound worse.

13 Q. Okay. If I can stop you there. So
14 Officer Wills did offer --

15 A. No.

16 Q. -- to give you some medical treatment?

17 A. That was a smart aleck response, in my
18 opinion.

19 Q. In your opinion. But he did offer to
20 pour some peroxide on your wound?

21 A. Which is rather stupid medically, I'm
22 saying.

23 MR. BUCHANAN:

24 Answer her question.

25 THE WITNESS:

1 Yes, ma'am.

2 MS. BROOM:

3 Q. So you disagree with the treatment he
4 was offering?

5 A. Absolutely.

6 Q. But he did offer it?

7 A. Yes.

8 Q. Okay. And you disagreed with it because
9 you're a nurse and you thought you knew better,
10 correct?

11 A. Yes. I know I know better. I'm sorry.

12 Q. I'm not going to dispute that, but --

13 And then what happened after he offered
14 the treatment and you declined it? Then what
15 happened?

16 MR. BUCHANAN:

17 By "treatment," you're meaning when he
18 offered to pour peroxide on him?

19 MS. BROOM:

20 Correct.

21 THE WITNESS:

22 And alcohol.

23 MR. BUCHANAN:

24 And alcohol.

25 MS. BROOM:

1 Okay.

2 MR. BUCHANAN:

3 What happened next?

4 A. As I recall, Wills and I kind of went
5 back and forth.

6 MS. BROOM:

7 Q. Verbally?

8 A. Verbally.

9 Q. Okay. Where were you standing at that
10 moment?

11 A. Back against that wall.

12 Q. Was the Gulfport Police Department
13 officer still there?

14 A. I remember him coming in giving the
15 corrections officers the paperwork and leave.

16 Q. Okay. So you're back against the wall?

17 A. Yes, ma'am.

18 Q. And is it just you and Wills there?

19 A. No. There was several other correction
20 officers back behind the cage.

21 Q. Okay. And then what happened next? How
22 long did y'all have this verbal altercation, or
23 verbal argument rather?

24 A. Maybe five minutes. And --

25 Q. What was said during this argument; do

1 you know?

2 A. Kind of debating over him saying that he
3 was going to put alcohol and peroxide on the wound
4 and him continuing it, and I said, no, you're not.
5 And I told him -- what did I tell him? I told him
6 again that I wanted to see the nurse for
7 treatment. And I can't remember exactly which,
8 but there were curse words exchanged between --

9 Q. So you're admitting that you were using
10 profane language against Wills?

11 A. I admit that, and I admit that he was,
12 also. And he said, Motherfucker, just wait a
13 minute.

14 Okay. So whatever he was doing, got
15 through. They came around the side of booking,
16 and I remember Thompson grabbing me, along with --
17 I can remember Thompson and Wills. Those are the
18 two I can really remember -- I know there was
19 others there -- and slamming me to the ground and
20 slamming my eyebrow into the pavement. I swear to
21 God I remember that. And I remember Thompson
22 putting my head into a choke hold, Wills grabbing
23 my thumb, and I do remember passing out. I
24 remember coming to, and one of the corrections
25 officers said, put the cuffs on just as tight as

1 you can. And then they put me back up against the
2 wall, and I was sitting there.

3 Q. Okay. Let's stop there, if you don't
4 mind --

5 A. Yes, ma'am.

6 Q. -- and go back through this. Now, when
7 y'all were back against the wall, you and Wills
8 had some argument, according to you. And then he
9 left, I'm assuming, because you said he came back.

10 A. They went back behind the cage after.

11 Q. Were y'all arguing from him being behind
12 the booking counter to you on the wall? Were
13 y'all arguing amongst yourselves at that time?

14 A. No. After they had put the choke hold
15 on me and I --

16 Q. Before the choke hold. I'm sorry. Just
17 the argument that y'all had about the peroxide.

18 A. We were doing what, now?

19 Q. Where were y'all when you were arguing?
20 You were against the wall, and where was Wills?

21 A. I was against the wall. He was in the
22 cage.

23 Q. Okay. And then when he came around,
24 when Wills came around --

25 A. With the other ones.

1 Q. So you're testifying that Wills and
2 Thompson both walked around the --

3 A. And a couple of others.

4 Q. Okay. Let me finish my question.

5 A. Oh, I'm sorry.

6 Q. Were you ordered to come up to the
7 counter at that time?

8 A. No.

9 Q. Okay. So you never came to the counter,
10 the booking counter?

11 MR. BUCHANAN:

12 You mean after he had already been
13 there?

14 MS. BROOM:

15 Right.

16 MR. BUCHANAN:

17 Because he testified earlier --

18 MS. BROOM:

19 Right. I'm sorry.

20 Q. After you had the argument while you
21 were on the wall, did you ever come back to the
22 booking counter?

23 A. No. I walked towards them --

24 Q. Right.

25 A. -- and put my hands up like that when

1 they all came out around the cage.

2 Q. Okay. Well, let's stop there. When
3 they walked out, was something said by you or the
4 officers?

5 A. Not that I recall.

6 Q. Okay. Why would you walk from the wall
7 and hold your hands up?

8 A. Because they come rushing around there
9 like they were going to assault me.

10 Q. Well, did you know that for sure at that
11 time?

12 A. In my heart, yes, ma'am.

13 Q. Okay. So the officers were walking out.
14 They didn't say anything, correct?

15 A. Not that I recall.

16 Q. And they were just walking around the
17 corner?

18 MR. BUCHANAN:

19 Object to the form.

20 A. No. They weren't walking around.

21 MS. BROOM:

22 Q. Okay. Explain how they were coming
23 around the corner.

24 A. Coming around rapidly, fast.

25 Q. And then you started walking toward them

1 at that moment with your hands --

2 A. With my hands up.

3 Q. And what were you saying?

4 A. I don't remember saying anything.

5 Q. Could you have said something at that
6 time?

7 A. I don't know if there was time to really
8 say anything.

9 Q. Okay. Were you waving your hands
10 around?

11 A. I just recall putting them up.

12 Q. Could you have been waving your hands
13 around?

14 A. No.

15 Q. But you don't recall, correct? So
16 either you don't know if you did, you don't recall
17 if you did, or you didn't. There's a difference.

18 MR. BUCHANAN:

19 Again, tell her what you recall doing
20 for the fifth time.

21 A. I recall putting my hands up. If I
22 waved them like that, side to side motion, that's
23 possible. Fists like a defensive stance or we're
24 going to fight, no, absolutely not.

25 MS. BROOM:

1 Q. Okay. And that's my questions. I mean,
2 I'm going to ask you what you recall, and I'm also
3 going to ask you do you know for certain that you
4 didn't do it. And there's a difference; you
5 understand that, correct?

6 A. Yes, ma'am.

7 Q. So you just stated there's a possibility
8 you could have been waving your hands from side to
9 side?

10 A. Possibly, yes.

11 Q. And that was at the time that the
12 officers walked around the corner, correct?

13 A. Faster than walk, but correct.

14 Q. I apologize for that. And then at that
15 moment you're alleging that Officer Wills or
16 Thompson came to you?

17 A. It was cumulative, but I remember they
18 slammed me to the ground, they being the group. I
19 don't know which particular one had the most force
20 or greater leverage, or whatever.

21 Q. Right.

22 A. I remember, after hitting the pavement,
23 that Thompson put me in the choke hold, Wills
24 grabbed my thumb, and I passed out. When I came
25 to, one of the correction officers said, put the

1 cuffs on just as tight as you can, and then they
2 placed me back up against the wall.

3 Q. You're alleging when your body hit the
4 ground, what parts of your body came in contact
5 with the ground?

6 A. Left brow.

7 Q. Your left brow that time?

8 A. Yes, ma'am.

9 Q. Okay. And how do you recall that and
10 not whether it did with the Gulfport Police
11 Department --

12 A. Because right after that, there was
13 blood streaming down through my eye where I could
14 hardly see.

15 Q. Okay. So you started bleeding from your
16 left eye is why --

17 A. Above it, yes, ma'am.

18 Q. -- you think you hit on the left side of
19 your eye?

20 A. Yes, ma'am.

21 Q. Okay. Did you feel an impact on your
22 left eye?

23 A. Yes, ma'am.

24 Q. When did you allegedly become
25 unconscious?

1 A. Become unconscious?

2 Q. Uh-huh. Or lose consciousness.

3 A. When Wills choked me.

4 Q. Was that immediately after you hit the
5 ground?

6 A. Within seconds.

7 Q. Okay. Now, you would agree with me that
8 you came off the wall with your hands up without
9 permission?

10 A. Uh-huh.

11 MR. BRENDL:

12 Answer out loud.

13 THE WITNESS:

14 Yes, yes, yes, yes, yes.

15 MS. BROOM:

16 Q. You would agree that you disobeyed the
17 officers, too, correct? They told you to stand
18 against the wall, didn't they?

19 A. Yes.

20 Q. And they were coming towards you, saw
21 you off the wall and took you down, correct?

22 A. Slammed me down.

23 Q. They took you down to the ground,
24 correct?

25 A. That's a way of putting it, correct.

1 Q. Is that the same way that you would have
2 done in your psych ward?

3 A. Absolutely not. I never hurt a patient.

4 Q. Okay. I'm not saying that regarding the
5 injury. But in the hospital, if one of your
6 patients is not listening to you, wouldn't you
7 have taken them down if you felt that your life
8 was in danger or --

9 A. Right, but I also --

10 Q. -- they weren't listening to you?

11 MR. BUCHANAN:

12 You've got to let her finish. You're
13 doing fine.

14 THE WITNESS:

15 I'm sorry, ma'am. Will you ask it
16 again?

17 MS. BROOM:

18 Q. That's okay. It's fine. Have you ever
19 had occasion to take one of your patients down?

20 A. Yes, ma'am.

21 Q. Okay. Because they weren't listening to
22 you, correct?

23 A. Well, out of control.

24 Q. Right. Okay. So they took you down to
25 the ground. What parts of your body hit the

1 ground?

2 A. Yes.

3 Q. What parts of your body hit the ground?

4 A. My left eyebrow.

5 Q. Okay. How did your nose not hit the
6 ground? How did it not make contact and get
7 injured?

8 A. At an angle.

9 Q. Okay. How did your forehead not hit the
10 ground?

11 A. Part of the brow protrudes a little bit
12 further than the forehead.

13 Q. How did your cheekbone not hit the
14 ground?

15 A. This happened by the Gulfport cops, in
16 my opinion.

17 Q. What happened?

18 A. This laceration right here.

19 Q. Your left -- you're pointing to your
20 left cheekbone laceration?

21 A. Yes, ma'am, left cheekbone.

22 Q. By the Gulfport cops?

23 A. In my opinion, yes, ma'am.

24 Q. Okay. But what it appears to me is your
25 left cheekbone area protrudes out further than

1 MR. BUCHANAN:

2 Well, if you can, you can. If you
3 can't, you can't.

4 MS. BROOM:

5 Q. I'm referencing the first page when the
6 nurse saw you. Isn't it true that the nurse saw
7 you at 12:20 on 9/5/05?

8 MR. BUCHANAN:

9 Now, are you asking if that's true or if
10 that's what's on the report?

11 MS. BROOM:

12 Q. Is that true?

13 MR. BUCHANAN:

14 Do you know?

15 A. I know a nurse, after my beating, did
16 come to booking, did dress it, did tell the cops,
17 correction officers he needs to go out, which is
18 their lingo for needs to go to Memorial, he needs
19 stitches. They said, no transports available. So
20 they refused me medical care, absolutely refused
21 me proper medical care.

22 MS. BROOM:

23 Q. Okay. And are you aware of whether the
24 facility was having problems contacting Memorial
25 Hospital due to it being five days after the

1 storm?

2 A. They contacted it when a physician said
3 to send me.

4 Q. Are you aware that they were on a
5 generator at that time and having problems with
6 the electricity and the phone lines?

7 A. They have walkie-talkies.

8 Q. Okay. Are you aware that they were
9 having problems with the power at that time; they
10 were actually on a generator?

11 A. I would imagine they would have been.

12 Was I actually aware, no, ma'am.

13 Q. And you would acknowledge that it was a
14 little bit different circumstances being just
15 within a week from Katrina, correct?

16 A. Than a normal like today?

17 Q. Right, right.

18 A. Yes, ma'am.

19 Q. Are you disputing that you did see the
20 doctor at 12:20 --

21 A. No.

22 Q. -- on 9/5/05?

23 A. Nuh-uh.

24 Q. So that's approximately, I'm just going
25 to say, 12 hours before you saw a doctor?

1 MR. BUCHANAN:

2 Doctor or nurse?

3 MS. BROOM:

4 The nurse. I apologize.

5 A. It's the nurse, yeah.

6 MS. BROOM:

7 Q. And you actually saw the doctor on
8 9/5/05, but we do not have a time, and that you
9 arrived at the Memorial Hospital ER on 9/5/05. It
10 says 1426, so that would be 2:26. And so you had
11 to see the doctor before 1426, correct?

12 A. Yes.

13 Q. So within 12 hours, you saw a nurse and
14 a doctor at the jail, correct, of the alleged
15 assault?

16 A. And what time are they saying the
17 assault occurred, ma'am, at the jail?

18 Q. Well, I'm not sure what time the alleged
19 assault occurred, but you arrived at approximately
20 11:00.

21 A. That's 13, 14, 15 -- that's over 15
22 hours. The altercation at the jail didn't happen
23 long after I got there.

24 Q. Okay. Well, the records are what they
25 are. We won't dispute over that. Just for

1 argument's sake, we'll assume your 15 hours. From
2 the time -- did anything change, did your
3 condition get worse within those 15 hours?

4 A. Yes.

5 Q. Okay. How was that?

6 A. Granulation starts in a wound, and it
7 can embed bacteria and it -- it's not apt to
8 suture as well.

9 Q. Okay. And did that occur in your
10 situation?

11 A. Yes, it did. As Dr. Dominguez put in
12 here, I'm sure, that he had to debride the wound;
13 in other words, he numbs it and scrubs it to make
14 it a fresh wound.

15 Q. Right. But it did eventually -- he did
16 suture it and it did heal, correct?

17 A. Uh-huh.

18 Q. And you didn't develop any infection
19 or --

20 A. No infection, but permanent nerve
21 damage.

22 Q. Okay. Are you alleging that because of
23 the alleged delay or --

24 A. No.

25 Q. Okay. Now, when you returned from

1 Memorial Hospital, you were taken to the medical
2 unit, correct --

3 A. Yes, ma'am.

4 Q. -- and given your medications, or
5 your Tylenol and Keflex, I believe.

6 A. Keflex, yes, ma'am.

7 Q. You were actually given water at that
8 time?

9 A. I was given a plastic bottle of water.

10 I took the medication with it. The nurse said,
11 you can keep it. The cop said, no, you can't keep
12 it. You can't bring that back on the block. And
13 I did not -- I don't care what their little
14 computer printout says, I did not have hydration
15 other than that cup of milk the morning after
16 arrest for breakfast and that sip of water to take
17 that medicine with. The next morning when the
18 nurse came by with my blood pressure medicine, I
19 had to take it dry.

20 Q. Okay. Did you hear any comments about
21 Katrina, having problems with water and food and
22 anything like that? Did you hear any of those
23 concerns at that time?

24 A. I saw many other people with cups.

25 Q. Okay. But you're alleging you did not

1 get a cup, even though the records, as you've seen
2 apparently, say that you received a cup and a
3 spoon?

4 A. I see a computer generated.

5 Q. Right. So are you disputing that you
6 received a cup and a spoon?

7 A. Absolutely.

8 Q. Okay. Now, when you got your breakfast
9 the morning of September 5th, did you eat that
10 meal?

11 A. Yes, ma'am. I was fed.

12 Q. With that, you got the eight-ounce
13 carton of milk, correct?

14 A. Yes, ma'am.

15 Q. And you got some water, let's see, water
16 when you returned from the hospital on
17 September 5th, correct?

18 A. Yes, ma'am.

19 Q. Now, when were you released?

20 A. I was thinking it was the 7th, but this
21 says the 6th, but it also says at, what, 6:30 in
22 the evening. The curfew was in effect then.
23 There's no way I was released when there was a
24 curfew on.

25 Q. So after this sip of water, you're

1 alleging that you weren't able to get any other
2 water or food after that time, or hydration?

3 A. No. Food, I was fed.

4 Q. But with those meals, isn't it true that
5 they give you some -- a milk --

6 A. If you have a cup.

7 Q. With those meals, don't they give you a
8 carton of milk --

9 A. No.

10 Q. -- or Kool-Aid?

11 A. No. You use your cup, and they bring a
12 container of Kool-Aid in, and you fill it.

13 Q. Did you tell the officer that you did
14 not have a cup?

15 A. Many times.

16 Q. Okay. And what did they respond?

17 A. We're trying to get you one.

18 Q. Could you have used a cup from another
19 inmate?

20 A. No. Not with, you know, hepatitis and
21 other things.

22 Q. So you wouldn't have used a cup?

23 A. Right.

24 Q. Now, when you were released from the
25 jail, you sent an e-mail to the sheriff, didn't